

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
HARLEYSVILLE INSURANCE COMPANY OF
NEW YORK,

Plaintiff,

-against-

12 EAST 88TH LLC and SIMON BARON
CONSTRUCTION LLC,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
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ORDER

On March 7, 2019, the Court extended the time for Defendants to file their answer to the amended complaint to April 4, 2019. ECF No. 14. On March 8, 2019, Plaintiff filed a “proposed stipulation and order” which states that “the time for the Defendants to assert any claims against [Plaintiff] pursuant to the applicable policy of insurance referenced in the Amended Complaint dated January 18, 2019, is hereby extended up to and including May 6, 2019.” ECF No. 15.

Pursuant to Federal Rule of Civil Procedure 13(a)(1)(A), which governs “compulsory counterclaims,” “[a] pleading must state as a counterclaim any claim that—at the time of its service—the pleader has against an opposing party if the claim[] arises out of the transaction or occurrence that is the subject matter of the opposing party’s claim.” Assuming that counterclaims “pursuant to the applicable policy of insurance referenced in the Amended Complaint” are compulsory counterclaims under Fed. R. Civ. P. 13(a)(1)(A), therefore, they must be asserted in Defendants’ answer, which is due April 4, 2019.

SO ORDERED.

Dated: March 8, 2019
New York, New York



ANALISA TORRES
United States District Judge